

BUREAU OF FUND MANAGEMENT, COMPLIANCE & RECOVERY
HDSRF Fund Program
PO BOX 028
TRENTON, NJ 08625
PH: 609-633-0719
FAX: 609-633-1454

Dear Applicant:

RE: HAZARDOUS DISCHARGE SITE REMEDIATION FUND

The New Jersey Department of Environmental Protection and the New Jersey Economic Development Authority are pleased to provide you with a REVISED application for requesting financial assistance from the Hazardous Discharge Site Remediation Fund. The application has been updated to include all the information that is necessary to complete the requirements of both the NJDEP and NJEDA.

Enclosed you will find

- Fund Fact Sheet
- Guidance on what is and is not eligible under the Fund
- Cost Guidance
- HDSRF General Information – Part 1
- General Fund Certification (to be completed by all applicants) – Part 2
- Grant Certification (to be completed by all applicants applying for an innocent party grant) – Part 3
- MOA Application (to be completed by all homeowner applicants) – Part 4
- MOA Application (to be completed by all non-residential applicants) – Part 5
- Municipal Questionnaire – Part 6

ONE original and ONE copy of the application must be mailed to the address above. Questions regarding this program should be directed to Edward J. Stankiewicz at (609) 633-1487. The NJDEP and NJEDA look forward to working with you on proposals for funding.

Sincerely,

Colleen Kokas, Section Chief
HDSRF Fund Program

(08/01)



NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
HAZARDOUS DISCHARGE SITE REMEDIATION FUND
FACT SHEET

The Hazardous Discharge Site Remediation Fund was established in July, 1993 with the Industrial Site Remediation Act to provide financial assistance to municipalities, businesses and homeowners for the remediation of a discharge or suspected discharge of a hazardous substance. The Fund is administered through a partnership between the Department of Environmental Protection and the New Jersey Economic Development Authority. The DEP evaluates an applicant's eligibility requirements as outlined in the law as well as the technical merits of the project. The Economic Development Authority evaluates an applicant's financial status and their ability to repay the loan. Financial Assistance is available in the form of a loan or a grant.

WHO MAY APPLY?

The Fund is eligible to anyone who needs financial assistance who cannot obtain conventional funding from a lending institution. This requirement does not limit municipalities and those parties who are eligible to receive grant funding as well as any party choosing to perform a voluntary remediation from receiving funding.

WHAT TYPE OF FINANCIAL ASSISTANCE IS AVAILABLE?

Loans

Loans are available to municipality, business or homeowner who cannot obtain funding from another lending institution for 100% of the funding needed to remediate a discharge of hazardous substances up to \$1,000,000 per year per site (\$2 million per municipality per year). The interest rate is 2 points below the Federal Discount Rate with a minimum of 5% (3% for municipalities) and is determined by the Economic Development Authority. The term for any loan is a maximum of 10 years.

Grants

There are four categories of grants; **municipal PA/SI/RI grants, innocent party grants, innovative technology grants, and limited restricted/unrestricted use grants**. Eligibility for a grant is not contingent upon the inability to obtain outside funding.

Municipal grants are available to conduct the PA/SI/RI to any municipality for real property on which it owns the tax sale certificate; has acquired through foreclosure or other similar means; or that it has acquired or has passed a resolution or ordinance or other similar appropriate document to acquire by voluntary conveyance for the purposes of redevelopment. No grant shall be awarded for the purposes of a remedial investigation until the municipal government entity actually owns the real property. These grants are capped at \$2 million per municipality per year.

An **innocent party** grant is available to any party who meets the innocent party criteria outlined in the law. These include

- having acquired the property before December 31, 1983;
- not having used the hazardous substance found at the site; and
- not having discharged the hazardous substance at the site.

If a party meets these criteria, it would be eligible for 50% of the total costs up to \$1 million that the applicant needs for the remediation. The additional 50% can be obtained from the Fund through a loan or through outside conventional funding. Innocent party grants will only be awarded after the completion of the remedial investigation.

An **innovative technology** grant is available to any qualifying person (any person who has a net worth of not more than \$2,000,000) that receives the approval of the Department for a proposed innovative technology. If a qualifying person meets this criteria, it would be eligible for up to 25% of the total costs up to \$100,000 that the applicant needs for the remediation.

A **limited restricted use/unrestricted use** grant is available to any qualifying person for the implementation of a limited restricted use remedial action or an unrestricted use remedial action. The qualifying person would be eligible for up to 25% of the total costs up to \$100,000 that the applicant needs for the remediation.

A **UNDERGROUND STORAGE TANK** grant is available to any qualifying person who owns real property on which there has been a discharge of a hazardous substance or a hazardous waste from an underground storage tank under certain circumstances. A person qualifies for an underground storage tank grant if that person acquired the property prior to December 31, 1986, the underground storage tank was removed or closed prior to December 31, 1990, and there is a discovery of contamination that originated from the underground storage tank and that discovery is made more than five years after removal or closure of the underground storage tank. A grant may be for up to 50% of the remediation costs except that no grant may exceed \$1,000,000.

The Department has determined that the latter three grants may not be approved until the Remedial Investigation has been completed since it is unable to determine if they meet the criteria until that time. Prior to that, the Department will only approve funding for a loan. In the case of a Innocent Party, upon completion of the Remedial Investigation the DEP will determine if the criteria has been met, if so, the grant can be approved for 50% of both future and past costs (up to the maximum amount). In the case of the innovative technology grant and the limited restricted use/ unrestricted use grant, upon completion of the Remedial Investigation the DEP will determine whether the proposed remedial alternative is an innovative technology. If so, 25% of the future and past costs can be approved (up to the maximum amount).

ARE THERE FEES?

The DEP charges oversight fees for the management of the remediation project. This would include the costs needed for a case manager to oversee the work at a site. An applicant would be billed on a semi-annual basis for these costs. The oversight costs can be included in the loan or grant so that there are sufficient funds to cover them. The Department estimates 5-10% of the project costs for oversight. The Economic Development Authority charges a \$500 application fee. In addition, there is a \$1000 fee charged by EDA for closing costs. These costs can be combined into the loan or grant if they are not available from the applicant up front.

HOW DOES THE PROCESS WORK?

DEP - Upon receipt of the application, the Memorandum of Agreement (MOA) is forwarded to the Bureau of Case Assignment for processing. After the MOA is assigned to a case manager, the Scope of Work and Cost Estimate will be reviewed by the appropriate parties. If the application is for an innovative technology grant, process the application will also be review by the Bureau of Innovative Technology after the RI is completed. Once everything has been reviewed and approved, the application will be forwarded to the Economic Development Authority. This process should take an average of 30 days.

EDA – Upon receipt of the application, the Economic Development Authority will review the financial information provided by the applicants requesting financial assistance in order to determine their financial status and their ability to repay the loan. For Municipalities, the EDA will determine if the municipality actually has met the criteria. Once EDA has completed their review, the application will be review by their board and if approved closing documents will be forwarded to the applicant for their signature. Once the closing documents have been returned, the grant or loan will be processed.

HOW DOES THE MONEY GET DISBURSED

For **Municipal Grants**, upon the approval of the grant, the monies will be disbursed at the beginning of each Phase. The municipality will be responsible for compensating its consultant as each of the required tasks is completed. Once the project has been completed it will be necessary for the municipality to formally closeout the project with the Economic Development Authority.

For **Loans and Other Grants**, upon the approval of the financial assistance the monies will be disbursed by phase (PA, SI, RI, RA) once the required reports have been submitted and approved by the department. The invoices will be reviewed and approved by both the DEP and the EDA based on the submitted reports. The check will be issued in the name of the applicant and the consultant unless a copy of the cancelled check is also included with the invoice being processed.

APPLICATIONS CAN BE FOUND ON OUR WEB SITE AT WWW.STATE.NJ.US/DEP/SRP

ELIGIBLE HDSRF COSTS

WHAT IS ELIGIBLE

All reasonable costs for equipment, work, and services for investigation/remediation not yet performed, including soil and ground water sampling, monitoring well installation, disposal of contaminated soil, ground water treatment systems, etc.

NJDEP oversight costs/NJEDA fees.

Legal fees - incurred specifically for the actual remediation of an environmental insult (i.e. obtaining access, drawing of ordinances, and administering construction contracts).

Innocent Part Grants – costs for investigation/remediation, which have already been incurred. These costs should be for activities that were performed under a NJDEP oversight document (i.e. Memorandum of Agreement or Administrative Consent Order), the Industrial Site Recovery Act (ISRA) or the Underground Storage Tank (UST).

WHAT IS NOT ELILIBLE

Costs for investigation/remediation, which have already been incurred.

Costs for the upgrade of any Underground Storage Tank.

Costs for the removal and disposal of Asbestos.

Costs for the removal and disposal of building debris.

Costs for disposal of soil which is not contaminated.

Work conducted that does not comply with the Technical Rules for Site Remediation, N.J.A.C.7:26E.

Applicant's time spent in planning, administering or supervising the cleanup.

COST GUIDANCE

This guide is designed to assist those who seeking financial assistance from the Hazardous Discharge Site Remediation Fund. This information contained herein will help you assure that your costs will be reimbursed, and help you determine fair prices for goods and services.

When the Department receives your application it will be reviewed to determine eligibility. A scope of work (SOW) must be included as part of your application. The SOW should include an itemized list of activities required in order to comply with N.J.A.C. 7:26E (Technical Requirements for Site Remediation) and the costs associated with these tasks.

The cost estimate should be broken down by phase, it should also be itemized (Time & Materials) by each task. The following is an example of how the Department expects

Cost Estimate for PA, SI, RI, or RA

<u>Itemized Description</u>		<u>Costs</u>
A.	<u>Costs</u>	
1.	Project Management, including coordination, scheduling, correspondence	\$
2.	Supervision of drilling, test pits & well installation # of days @ \$ per day	\$
3.	Field Equipment (list types & price)	\$
4.	Report	\$
	Subtotal	\$
B.	<u>Subcontractor Costs:</u>	
1.	Soil Borings, assume ____ days of soil Borings @ \$/day	\$
2.	Monitoring wells, assume ____ wells @ \$/well	\$
3.	Laboratory analysis – Soil a. _____ samples PP+40 @ \$/sample	\$
4.	Laboratory analysis – Groundwater a. _____ samples PP+40 @ \$ /sample b. _____ trip blanks @ \$/blank c. _____ field blank @ \$/blank	\$ \$ \$
	Subtotal	\$
	Total	\$

**PRELIMINARY ASSESSMENT (PA)
SITE INVESTIGATION (SI)**

STANDARD COST GUIDELINES

<u>Activity</u>	<u>Service</u>	<u>Estimated Costs</u>
Geophysical Survey Report	Ground Penetrating Radar contractor	\$1250
Geophysical Anomalies	Excavator	\$800 / day
Drum Waste Characterization	Full TCLP / TPHC / RCRA Character.	\$1100 / sample
UST / AST Residual Content Identification	GC Fingerprint	\$200 / sample
Soil Sample Analysis	PP+40	\$800 / sample
	VO+10	\$200 / sample
	Lead	\$50 / sample
	TPHC	\$140 / sample
	TCL+30/TAL	\$800 / sample
	BN+15 / BN+10	\$250 / sample
	PCBs	\$140 / sample
	Field Blank (VO+10)	\$200 / sample
Borehole Drilling	Drilling Contractor	\$1850 / day
Monitoring Well Installation	Drill Rig / Geo Probe	\$2000 / well
Surveying Well Elevations & Boring locations	Prof. Surveyor	\$2200 / day
Groundwater Analysis	PP+40	\$800 / sample
	VO+10	\$200 / sample
	Lead	\$50 / sample
	TPHC	\$140 / sample
	TCL+30/TAL	\$800 / sample
	BN+15 / BN+10	\$250 / sample
	PCBs	\$140 / sample
	Field Blank (VO+10)	\$200 / sample

Professional Oversight; Project
Management; field Supervision;
Travel; Correspondence; Agency
Liaison

Project Manager	\$60 - \$95 / hour
Sr. Project Manager	\$45 - \$75 / hour
Project Prof.	\$40 - \$70 / hour
Corporate Mgmt.	\$100 – 135 / hour
Sampling Technician	\$40 / hour
Secretarial Service	\$40 / hour
Vehicle	\$90 / day
Copies / fax / phone / Postage	\$300

Equipment; Expendables

Photoionization Det.	\$50 / day
Power Auger	\$200 / day
Soil Scale	\$10 / day
Digital Camera	\$30 / day
Latex Gloves	\$10 / box
PH/Conductivity/ Dissolved Oxygen/ Temp/ ORP Meter	\$25 / day
Centrifugal Pump	\$30 / day
Generator	\$40 / day
Depth-to-Water-Meter	\$30 / day
Disposable Bailers	\$20 / each
Plastic Hose	\$1 / foot
Distilled Water	\$1.50 / gallon
Disposable Coveralls	\$3 / each

Document Preparation

Site Investigation Work Plan	\$2000 - \$2500
Site Investigation Report	\$2000 - \$3000

REMEDIAL INVESTIGATION (RI)

STANDARD COST GUIDELINES

<u>Activity</u>	<u>Service</u>	<u>Estimated Costs</u>
Professional Oversight; Project Management; Field Supervision; Travel; Correspondence; Agency Liaison	Project Manager	\$60 - \$95 / hour
	Sr. Project Manager	\$45 - \$75 / hour
	Project Prof.	\$40 - \$70 / hour
	Corporate Mgmt.	\$100 – 135 / hour
	Secretarial Service	\$40 / hour
	Sampling Technician	\$40 / hour
	Drafting / Graphic	\$50 / hour
	Copies / fax / phone /	
	Postage	\$300
Equipment; Expendables	Photoionization Det.	\$50 / day
	Power Auger	\$200 / day
	Soil Scale	\$10 / day
	Digital Camera	\$30 / day
	Latex Gloves	\$10 / box
	PH/Conductivity/ Dissolved Oxygen/ Temp/ ORP Meter	\$25 / day
	Centrifugal Pump	\$30 / day
	Generator	\$40 / day
	Depth-to-Water-Meter	\$30 / day
	Disposable Bailers	\$20 / each
	Plastic Hose	\$1 / foot
	Distilled Water	\$1.50 / gallon
	Disposable Coveralls	\$3 / each
Document Preparation	Remedial Investigation Work Plan Preparation	\$2000 - \$2500
	Remedial Investigation Report	\$2000 - \$3000

REMEDIAL ACTION (RA)

STANDARD COST GUIDELINES

<u>Activity</u>	<u>Service</u>	<u>Estimated Costs</u>
Document Preparation	Remedial Action Work	
	Plan preparation	\$2000 - \$3500
	Remedial Action Report	\$2000 - \$3000

NJ DEPARTMENT OF ENVIRONMENTAL PROTECTION
Hazardous Discharge Site Remediation Fund

Part 1

Applicant is a

☐ Homeowner

☐ Business

☐ Public Entity

Applicant is applying for

Loan Amount Requested _____

Grant Amount Requested _____

1. APPLICANT INFORMATION (please print or type)

Name _____

Address _____

City _____ State _____ Zip Code _____

Phone _____ Fax _____

2. CONTACT INFORMATION

☐ Check here if contact information is the same as above (proceed to Question #3)

Contact Person _____ Title _____

Affiliation _____

Address _____

City/Town _____ State _____ ZipCode _____

Phone _____ Fax _____

3. SITE INFORMATION (location where remediation will be conducted)

Name _____

Address _____

City _____ State _____ ZipCode _____

County _____ Block _____ Lot _____

3A. To your knowledge, is this site known by any other name(s) (a.k.a.)?

YES _____ NO _____ If Yes, please provide other name(s) _____

3B. Is this site on the known New Jersey Contaminated Site List?

YES _____ NO _____ CSL ID # _____

4. Is the Requester (or any other party) currently performing remedial work at the site under a NJDEP oversight document (i.e. Memorandum of Agreement or Administrative Consent Order), the Industrial Site Recovery Act (ISRA) or the Underground Storage Tank (UST) program?

YES _____ Case Manager Name _____ Case No. _____

NO _____ If no, complete the appropriate MOA application in Part 4 or Part 5.

5. TYPE OF FINANCIAL ASSISTANCE REQUESTED (Check as many Categories as necessary)

1)___ Loans to persons other than governmental entities, for remediation of real property located in a qualifying municipality as defined in section 1 of P.L. 1978, c.14.

2)___ Grants for a Preliminary Assessment (PA), Site Investigation (SI) and Remedial Investigation (RI) to municipal governmental entities who hold a tax sale certificate or who own real property (via foreclosure or other similar means) on which there has been or on which there is suspected of being a discharge of hazardous substances or hazardous wastes or Financial Assistance to municipal government entities that have completed a PA, SI and a RI to continue remediation on those properties that it owns as necessary to comply with applicable remediation standards adapted by NJDEP. Please check which of the following is appropriate: tax sale certificate _____, foreclosure _____, or voluntary conveyance for the purpose of redevelopment _____.

3)___ Loans to persons or municipal government entities for remediation activities at sites that have been contaminated by a discharge of a hazardous substance or hazardous waste, or at which there is an imminent and significant threat of a discharge of a hazardous substance or hazardous waste and the discharge or threatened discharge would pose a threat to human health or the environment.

4)___ Loans to persons other than municipal government entities, who voluntarily undertake the remediation of a hazardous substance or hazardous waste discharge, and who have not been ordered to undertake the remediation by NJDEP or by a court.

5)___ Loans to persons, other than municipal government entities, who are required to perform remediation activities at an industrial establishment pursuant to ISRA as a condition of the closure, transfer or termination of operations at that industrial establishment.

6)___ Grants to persons, other than municipal government entities, who own real property on which there has been a discharge of a hazardous substance or a hazardous waste and that person qualifies for an innocent party grant.

7)___ Loans to persons, other than municipal government entities, who own and plan to remediate an environmental opportunity zone for which an exemption from real property taxes has been granted by the municipal government.

8)___ Matching grants for up to 25% of the project costs to qualifying persons who propose to perform a remedial action that uses an innovative technology except that no grant awarded may exceed \$100,000.

9)___ Matching grants for up to 25% of the project costs to qualifying persons for the implementation of a limited restricted use remedial action or an unrestricted use remedial action except that no grant awarded may exceed \$100,000.

10)___ Grants to persons, other than municipal government entities, who own real property on which a discharge of a hazardous substance or a hazardous waste and the underground storage tank has been discovered five years after it had been removed or closed prior to December 31, 1990, and that person qualifies for an underground storage tank grant.

SCOPE OF WORK

All Scopes of Work must be consistent with the DEP Technical Regulations. If you are not sure that SOW is consistent-- You should have your consultant/contractor certify in their contract that the work they conduct will be consistent with DEP Technical Regulations. Applications will not be processed if Scope of Work is missing.

Is Scope of Work attached ☐ YES ☐ NO

7. COST ESTIMATES

A detailed cost estimate for the work proposed in the scope of work must be submitted with application.

Were competitive bids obtained ☐ YES ☐ NO # OF BIDS
Is cost estimate attached ☐ YES ☐ NO

8. GENERAL CERTIFICATION

A certification attesting to the accuracy of the information in the application must be submitted (See Part 2).

Is General Certification attached? ☐ YES ☐ NO

9. INNOCENT PARTY GRANT APPLICANTS

You must meet certain criteria to qualify for a grant. The attached grant certification outlines the criteria and must be submitted with this form (See Part 3).

Is Grant certification attached ☐ YES ☐ NO

10. MEMORANDUM OF AGREEMENT

A Memorandum of Agreement is required for work on all homeowner applications in order to receive funds. A Memorandum of Agreement application is attached and must be submitted with this form (See Part 4).

Is Memorandum of Agreement attached ☐ YES ☐ NO

11. LOAN APPLICANTS

You must demonstrate that you cannot obtain commercial funding by submitting 2 denial letters from a lending institution

Are 2 denial letters attached ☐ YES ☐ NO

12. FINANCIAL INFORMATION (Homeowners and Businesses only)

Homeowners must submit federal tax returns for the last 3 years. Businesses must attach financial statements for business as well as personal financial statements for last 3 years.

Are tax returns attached ☐ YES ☐ NO

13. COPIES

In order to process your application, you must submit ONE original and TWO copies of the application.

Are the required copies submitted along with the original application? ☐ YES ☐ NO

PART 2

THIS CERTIFICATION IS REQUIRED FOR ALL APPLICANTS APPLYING TO THE FUND

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION HDSRF FUND GENERAL CERTIFICATION

This certification shall be signed as follows:

for a corporation, by a principal executive officer, at least the level of vice president;
for a partnership, by a general partner;
for a sole proprietorship, by the proprietor;
for other than above (i.e. homeowner), the person with legal responsibility for the site.

I certify under penalty of law that I have personally examined and am familiar with the information submitted herein and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant civil penalties for knowingly submitting false, inaccurate or incomplete information and that I am committing a crime of the fourth degree if I make a written false statement which I do not believe to be true. I am aware that if I knowingly direct or authorize the violation of any statute, I am personally liable for the penalties.

Signature

Name/Title

Company

Sworn to and Subscribed Before Me

On this date of

_____ 19 _____

Notary

PART 3

THIS CERTIFICATION IS REQUIRED FOR ALL INNOCENT PARTY GRANT APPLICANTS

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION HDSRF FUND INNOCENT PARTY GRANT CERTIFICATION

This certification shall be signed as follows:

For a corporation, by a principal executive officer, at least the level of vice president;
for a partnership, by a general partner;
for a sole proprietorship, by the proprietor;
for other than above (i.e. homeowner), the person with legal responsibility for the site.

☐ I hereby certify that

- A) The requestor acquired the property prior to December 31, 1983;
- B) The hazardous substance or hazardous waste that was discharged at the property was not used by the requestor or by any person with permission to use the site from the requestor; and
- C) The requestor, or any person with permission to use the site from the requestor, did not discharge any hazardous substance or hazardous waste at an area where a discharge is discovered.

Signature

Name/Title

Company

Sworn to and Subscribed Before Me

On this date of

_____ 19 _____

Notary

PART 4

THIS DOCUMENT IS REQUIRED FOR ALL HOMEOWNERS

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
MEMORANDUM OF AGREEMENT
RESIDENTIAL PROPERTIES**

This Memorandum of Agreement (Agreement) has been developed so that any party interested in conducting a cleanup at a residential property can do so with oversight from the Department. The Department will provide oversight as long as the Department is reimbursed for the cost of its review. This Agreement must be completed in its entirety by the party interested in conducting the cleanup activities and/or the party's authorized agent, and shall include a fully executed copy of the attached certification. The Department can not process any applications unless all the information requested is complete and all questions are answered to the satisfaction of the Department. Once completed the Agreement must be submitted to the following address:

**Division of Responsible Party Site Remediation
Bureau of Field Operations
401 East State Street, PO Box 434
Trenton, NJ 08625-0434**

**Attention: Section Chief - Case Assignment Section
(609) 292-2943**

Answer all questions as completely as possible. If you have any questions when completing this form, it is recommended that you contact the Case Assignment Section at (609) 292-2943 between the hours of 8:00 AM and 5:00 PM for assistance.

This Agreement is entered into pursuant to the authority vested in the Commissioner of the New Jersey Department of Environmental Protection (hereinafter "the Department") by N.J.S.A. 13:1D-1 et seq. and N.J.S.A. 58:10B et seq. and the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq. and the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq. and duly delegated to the Section Chief, Division of Responsible Party Site Remediation, Bureau of Field Operations pursuant to N.J.S.A. 13:1B-4.

This Agreement is to be used as a formal request for Department oversight of cleanup activities pursuant to the Procedures for Department Oversight of the Remediation of Contaminated Sites (N.J.A.C. 7:26C et seq.) and review of reports submitted pursuant to the Technical Rules for Site Remediation (N.J.A.C. 7:26E et seq.).

MEMORANDUM OF AGREEMENT FOR RESIDENTIAL PROPERTIES

CASE NUMBER _____

DATE _____

A. Property Address _____
Zip Code _____ Municipality _____ County _____
Tax Block and Lot Number(s) _____
(available from local tax assessor's office)
Latitude _____ Longitude _____ Acreage _____
Geographic Boundaries _____

B. **Party signing this Agreement** (contractors cannot sign MOA)
Name _____ Affiliation _____
Mailing Address _____
Municipality _____ State _____
Zip Code _____ **Telephone #** _____

C. **Current Property Owner(s)** (If different than B)
Name(s) _____
Street Address _____
Municipality _____ State _____ Zip Code _____

D. Select which phase(s) of the remediation process are to be performed and what document(s) are to be submitted pursuant to the MOA being requested.

☐ **Remedial Action Workplan**

☐ **Remedial Action Report**

E. Who will be the contact for all matters of this application?
Name _____ Title _____
Affiliation _____
Address _____
City/Town _____ State _____
Zip Code _____ Phone _____

F. Provide the information requested below on the previous owners of the property and the entities who operated at the property.

Name	Owner or Operator	From	To
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

G. Did the discharge occur from an (check appropriate answer):

____ Above Ground Storage Tank
____ Underground Storage Tank
____ Other Please describe _____

H. Did the discharge impact groundwater?

Yes ____ No ____ Unknown ____

I. Has a loan/grant application for the UST Fund been filed with the Department?

Yes ____ No ____ MOA being submitted with UST Fund Application ____

J. Is the property located in a Neighborhood Empowerment Zone as defined in P.L.1996,c.62 (New Jersey Urban Redevelopment Act) ?

Yes ____ No ____ Unknown ____

K. If the discharge involves a substance other than heating oil or was not from a storage tank, please describe the substance, and/or how the discharge occurred.

L. To the best of your knowledge, was the property ever used for purposes other than residential (ie. orchard, farming, etc.)?

Yes ____ No ____ If yes, please describe:

The following certification shall be signed by the highest ranking individual with overall legal responsibility for implementing the remediation of a site, but shall not include contractors or consultants.

1. For a corporation, by a principal executive officer of at least the level of vice president;
2. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively, or;
3. For a municipality, State, Federal or other public agency, by either a principal executive officer or ranking elected official.

The certification may also be signed by a duly authorized representative of those persons described above. A person is a duly authorized representative only if:

1. The authorization is made in writing by a person described above;
2. The authorization specifies either an individual or a position having a responsibility for the overall operation of the site or activity, such as the position of plant manager, or a superintendent or person of equivalent responsibility (a duly authorized representative may thus be either a named individual or an individual occupying a named position);
3. The written authorization is submitted to the Department; and
4. If the authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of this subsection shall be submitted to the Department prior to or together with any reports, information or applications to be signed by an authorized representative.

" I certify that I am fully aware of the requirements of N.J.A.C 7:26C-3, specifically as it pertains to the Agreement by rule. Further, I agree to pay the Department's oversight costs for the Department's review of any submissions pursuant to the Agreement until such time as I notify the Department that it is no longer feasible or desirable for me to continue with the Agreement."

APPLICANT

DATE

SIGNATURE

NAME (PLEASE PRINT)

DATE

NOTARY SIGNATURE

DEPT OF ENVIRONMENTAL PROTECTION

DATE

SIGNATURE

NAME (PLEASE PRINT)

The Department will review the application and will respond in writing, within thirty calendar days from receipt of the application, as to whether the application is administratively complete or not. If the application is incomplete the deficiencies shall be listed. If the application is complete, the applicant will be deemed to have entered into an Agreement by rule pursuant to N.J.A.C. 7:26C-3.3.

PART 5

THIS DOCUMENT IS REQUIRED FOR NON-RESIDENTIAL PROPERTIES

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
MEMORANDUM OF AGREEMENT
NON-RESIDENTIAL PROPERTIES**

This Memorandum of Agreement (Agreement) has been developed so that any party interested in conducting a cleanup at a NON-residential property can do so with oversight from the Department. The Department will provide oversight as long as the Department is reimbursed for the cost of its review. This Agreement must be completed in its entirety by the party interested in conducting the cleanup activities and/or the party's authorized agent, and shall include a fully executed copy of the attached certification. The Department can not process any applications unless all the information requested is complete and all questions are answered to the satisfaction of the Department. Once completed the Agreement must be submitted to the following address:

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Bureau of Field Operations
401 East State Street, PO Box 434
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**Attention: Section Chief - Case Assignment Section
(609) 292-2943**

Answer all questions as completely as possible. If you have any questions when completing this form, it is recommended that you contact the Case Assignment Section at (609) 292-2943 between the hours of 8:00 AM and 5:00 PM for assistance.

This Agreement is entered into pursuant to the authority vested in the Commissioner of the New Jersey Department of Environmental Protection (hereinafter "the Department") by N.J.S.A. 13:1D-1 et seq. and N.J.S.A. 58:10B et seq. and the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq. and the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq. and duly delegated to the Section Chief, Division of Responsible Party Site Remediation, Bureau of Field Operations pursuant to N.J.S.A. 13:1B-4.

This agreement is to be used as a formal request for Department oversight of cleanup activities pursuant to the Procedures for Department Oversight of the Remediation of Contaminated Sites (N.J.A.C. 7:26C et seq.) and review of reports submitted pursuant to the Technical Rules for Site Remediation (N.J.A.C. 7:26E et seq.).

MEMORANDUM OF AGREEMENT FOR NON-RESIDENTIAL PROPERTIES

CASE NUMBER _____

DATE _____

A. Current Use: Agricultural _____ Industrial _____ Undeveloped _____
 Commercial _____ Other _____

B. Site Name _____
Street Address _____
Zip Code _____ Municipality _____ County _____
Tax Block and Lot Number(s) _____
(available from local tax assessor's office)
Latitude _____ Longitude _____ Acreage _____
Geographic Boundaries _____
EPA ID # (if applicable) _____

C. **Who will be executing this Agreement?** (if different than Question B)

Name _____ Affiliation _____
Address _____
City _____ State _____ Zip Code _____
State of Incorporation _____ Corp. Status _____
Telephone # _____

D. Select which phase(s) of the cleanup process are to be performed and what document(s) are to be submitted pursuant to the agreement being requested.

<u>REMEDIAL PHASE</u>		<u>DOCUMENTS TO BE SUBMITTED</u>	
<input type="checkbox"/>	Preliminary Assessment	<input type="checkbox"/>	Preliminary Assessment Report
<input type="checkbox"/>	Site Investigation	<input type="checkbox"/>	Site Investigation Report
<input type="checkbox"/>	Remedial Investigation	<input type="checkbox"/>	Remedial Investigation Workplan
<input type="checkbox"/>	Remedial Action	<input type="checkbox"/>	Remedial Investigation Report
		<input type="checkbox"/>	Remedial Action Selection Report
		<input type="checkbox"/>	Remedial Action Workplan
		<input type="checkbox"/>	Remedial Action Report

E. **Current Site Owner(s)** (If different than B)

Name(s) _____

Firm _____ Telephone # _____

Street Address _____

Municipality _____ State _____ Zip Code _____

F. **Current Business Operator(s)**

Name(s) _____

Firm _____ Telephone # _____

Street Address _____

Municipality _____ State _____ Zip Code _____

G. **Current Business Operator(s)**

Name(s) _____

Firm _____ Telephone # _____

Street Address _____

Municipality _____ State _____ Zip Code _____

H. Provide the information requested below on the previous owners of the site and the entities who operate at the site.

Name	Owner or Operator	From	To
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

I. For those former Owner(s) and/or Operator(s) identified above (in paragraph H), give a brief discussion of all operations at the site, including but not limited to types of operations, materials used, waste generated, and waste disposal techniques.

J. Are there currently or have there ever been any notices on the deed which constitute a Declaration of Environmental Restriction (DER) pursuant to N.J.A.C. 7:26E-1 et seq.?

Yes _____ No _____ Unknown _____

If yes, please state the name of the site as it was identified in the DER, the address, lot and block and EPA ID number (if applicable) associated with the site.

K. Are there currently, or have there ever been any hazardous substances as defined by N.J.A.C. 7:1E-1 et seq., used, treated, stored, disposed or discharges at the site (i.e. fuel oil, gasoline)?

Yes _____ No _____

L. Are there currently, or have there ever been any hazardous wastes as defined by N.J.A.C. 7:1E-1 et seq., used, generated, treated, stored, disposed, or discharged at the site?

Yes _____ No _____ Unknown _____

M. Are there currently, or have there ever been, any above or below ground storage tanks at the site?

Yes _____ No _____ Unknown _____

N. Did the discharge impact groundwater?

Yes _____ No _____ Unknown _____

O. What are the current operations at the site?

P. What are the intended future uses of the site?

Q. Describe briefly the major types of contaminants found at the site and what media they affect.

- R. Describe in detail how the contamination came to exist at the site. For example, were there past spills, landfills operations, industrial septic systems, UST's, Deposition of fill material, etc.?

- S. List any civil/criminal actions taken against the owner/operator, managers or officials associated with the site for violations of any environmental laws or statutes.

Check here if no violations or alleged violation []

Date of Action _____

Section of law or statute violated _____

Type of enforcement action _____

Description of the violation _____

How was the violation or alleged violation resolved?

- T. List all permits currently held by the applicant for the site. (NJPDES, RCRA, etc.)

- U. Has a Hazardous discharge Site Remediation Fund Grant or Loan Application been filed with the Department?

Yes _____ No _____

- V. Has a loan/grant application pursuant to the Underground Storage Tank Finance Act been filed with the Department?

Yes _____ No _____

- W. Is the site located in a Neighborhood Empowerment Zone as defined in P.L.1996,c.62 (New Jersey urban Redevelopment Act)?

Yes _____ No _____ Unknown _____

- X. Who will be the contact for all matters of this application?

Name _____ Title _____

Affiliation _____ Telephone _____

Address _____

City/Town _____ State _____ Zip code _____

Y. Is the site currently, or has it ever been, under the oversight of any other program within the Department of Environmental Protection?

Yes _____ No _____

If yes, explain: _____

Z. Do you consider this site to be a Brownfield as defined below:

Any former or current commercial or industrial site that is currently vacant or underutilized and on which there has been, a discharge of a contaminant.

OR

Is the remediation being conducted with the intent to pursue redevelopment?

Yes _____ No _____

The following certification shall be signed by the highest ranking individual with overall legal responsibility for implementing the remediation of a site, but shall not include contractors or consultants.

1. For a corporation, by a principal executive officer of at least the level of vice president;
2. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively, or;
3. For a municipality, State, Federal or other public agency, by either a principal executive officer or ranking elected official.

A duly authorized representative of those persons described above may also sign the certification. A person is a duly authorized representative only if:

1. The authorization is made in writing by a person described above;
2. The authorization specifies either an individual or a position having a responsibility for the overall operation of the site or activity, such as the position of plant manager, or a superintendent or person of equivalent responsibility (a duly authorized representative may thus be either a named individual or an individual occupying a named position);
3. The written authorization is submitted to the Department; and
4. If the authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of this subsection shall be submitted to the Department prior to or together with any reports, information or applications to be signed by an authorized representative.

" I certify that I am fully aware of the requirements of N.J.A.C 7:26C-3, specifically as it pertains to the Agreement by rule. Further, I agree to pay the Department's oversight costs for the Department's review of any submissions pursuant to the Agreement until such time as I notify the Department that it is no longer feasible or desirable for me to continue with the Agreement."

APPLICANT

DATE

SIGNATURE

NAME (PLEASE PRINT)

DATE

NOTARY SIGNATURE

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

DATE

SIGNATURE

NAME (PLEASE PRINT)

The Department will review the application and will respond in writing, within thirty calendar days from receipt of the application, as to whether the application is administratively complete or not. If the application is incomplete the deficiencies shall be listed. If the application is complete, the applicant will be deemed to have entered into an Agreement by rule pursuant to N.J.A.C. 7:26C-3.3.

PART 6

TO BE COMPLETED BY ALL PUBLIC ENTITIES

NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY HAZARDOUS DISCHARGE SITE REMEDIATION FUND

Municipal Program

PRELIMINARY QUESTIONNAIRE

PLEASE NOTE THAT ONLY MUNICIPAL GOVERNMENTAL ENTITIES NEED TO FILL OUT THIS ATTACHMENT

In order to expedite the processing of municipal grant or loan application at the NJEDA, please complete this Preliminary Questionnaire and return it to Edward J. Stankiewicz of the NJDEP. He will forward it to the NJEDA when your application has received NJDEP approval. If you have any questions about the available financing, please call JoAnn Petrizzo, NJEDA at (609) 292-0350.

1. Applicant: _____

Project Name: _____

2. Please indicate the estimated project start date. (Note that projects may not start until after receiving NJDEP approval.)

Start Date: _____

3. Please list the current owner of the project site:

4. If you are not the owner, do you hold a tax sales certificate for the property?

☐ Yes ☐ no

When was the tax sale certificate obtained?

Date: _____

PLEASE PROVIDE A COPY OF PROPERTY OWNERSHIP, SUCH AS TAX SALE CERTIFICATE, FORECLOSURE PAPERS, ETC. WITH THIS APPLICATION.

5. Describe any pending or threatened litigation related to the project site.

6. Please describe any other pending issues that could delay grant/loan closing.

7. If the financial assistance for which you are applying will not cover the full cost of your project, such as the removal of underground storage tanks, please identify other funding sources:

☐ Issuance of Bonds \$ _____
☐ Capital Budget Expenditure \$ _____
☐ Other, please describe _____

LOAN APPLICANTS, PLEASE ANSWER QUESTIONS 8 THROUGH 11:

8. Please indicate the length of term, up to ten years, you desire for this loan. (Note that this term must be coterminous with all additional project financing.)

_____ Years

9. Please indicate if your municipality will need Local Finance Board Approval to participate in this program (i.e. are you within your legal debt limit?)

☐ Yes, please state reason below
☐ No

10. If you currently hold a tax sale certificate or have acquired the site through foreclosure, do you intend to sell the remediated property and return it to your tax rolls within the next two years?

☐ Yes
☐ No

11. If you answered yes to question 10, please indicate whether you would like a moratorium on principal and interest payments up to a maximum of two years.

☐ Yes, I request a payment moratorium of _____ years
☐ No

12. Please provide additional comments in the space below.

Certification: By their signature below, the undersigned, a duly authorized representative of the above unit of local government, hereby certifies on behalf of the local government that the information contained herein is true, complete and correct in all respects as of the date hereof.

Signature: _____

Date: _____

Name (print): _____

Title: _____